

**Replace By Substitute
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1691

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Department of Wildlife, Fisheries and Parks for
9 the fiscal year beginning July 1, 2007, and ending June 30, 2008
10 \$ 8,841,112.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special
13 fund in the State Treasury to the credit of the Department of
14 Wildlife, Fisheries and Parks which is comprised of special source
15 funds collected by or otherwise available to the department for
16 the support and maintenance of the department, for the fiscal year
17 beginning July 1, 2007, and ending June 30, 2008.....
18 \$ 52,681,603.00.

19 The following sum, which is included in the sum appropriated
20 above in this section, is hereby appropriated out of the state
21 excise taxes upon gasoline, oil and other petroleum products to
22 the Fisheries and Wildlife Fund for the fiscal year beginning
23 July 1, 2007, and ending June 30, 2008..... \$ 5,750,000.00.

24 The State Tax Commission is hereby directed to set aside the
25 amount of this appropriation or any part thereof at any time it
26 sees fit, out of any collections of taxes upon gasoline, oil and
27 other petroleum products, and to deduct the amounts so set aside
28 from such funds before making distribution thereof. However,
29 provisions shall first be made for the Highway Bonds Sinking Fund,
30 as required under the provisions of Chapter 130, Laws of 1938, and
31 any amendments thereto, and Section 27-5-101, Mississippi Code of
32 1972.

33 Any funds available in the Wildlife Heritage Fund may be
34 expended by the Commission on Wildlife, Fisheries and Parks as
35 authorized by law. The department shall make a detailed report to
36 the Legislature regarding the spending of the Wildlife Heritage
37 funds by September 1 for the preceding fiscal year.

38 **SECTION 3.** Of the funds appropriated under the provisions of
39 Section 2 to the Bureau of Wildlife and Fisheries, funds in the
40 amount of One Hundred Twenty-five Thousand Three Hundred
41 Thirty-five Dollars (\$125,335.00) shall be derived from the
42 Education Enhancement Fund deposited pursuant to Sections 27-65-75
43 and 27-67-31, Mississippi Code of 1972, for the purpose of
44 defraying the expenses of Project WILD for Fiscal Year 2008.

45 **SECTION 4.** It is the intention of the Legislature that the
46 Department of Wildlife, Fisheries and Parks shall have the
47 authority to receive, budget and expend funds from the Gulf and
48 Wildlife Protection Fund, not to exceed Three Hundred Fifty
49 Thousand Dollars (\$350,000.00) for the purpose of preservation,
50 protection, conservation, and acquisition of waters, land and
51 wildlife of this state.

52 **SECTION 5.** Of the funds appropriated under the provisions of
53 Sections 1 and 2, not more than the amount set forth below shall
54 be expended for the respective major objects or purposes of
55 expenditure:

56 MAJOR OBJECTS OF EXPENDITURE:

57 Personal Services:

58	Salaries, Wages and Fringe Benefits.. \$	37,305,197.00
59	Travel and Subsistence.....	179,560.00
60	Contractual Services.....	11,778,630.00
61	Commodities.....	5,537,998.00
62	Capital Outlay:	
63	Other Than Equipment.....	2,727,378.00
64	Equipment.....	1,166,868.00
65	Vehicles.....	615,000.00
66	Wireless Communication Devices.....	0.00
67	Subsidies, Loans and Grants.....	<u>2,212,084.00</u>
68	Total..... \$	61,522,715.00

69 FUNDING:

70	General Funds..... \$	8,841,112.00
71	Special Funds.....	<u>52,681,603.00</u>
72	Total..... \$	61,522,715.00

73 AUTHORIZED POSITIONS:

74	Permanent: Full Time.....	827
75	Part Time.....	104
76	Time-Limited: Full Time.....	55
77	Part Time.....	0

78 Funds are provided herein to adjust the Variable Compensation
 79 Plan to ensure that all full-time employees receive a pay increase
 80 equal to the realignment component of the Variable Compensation
 81 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
 82 whichever is greater, to be awarded on July 1, 2007.

83 With the funds herein appropriated, it is the intention of
 84 the Legislature that it shall be the agency's responsibility to
 85 make certain that funds required to be appropriated for "Personal
 86 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
 87 funds appropriated for that purpose, unless programs or positions

88 are added to the agency's Fiscal Year 2009 budget by the
89 Mississippi Legislature. Based on data provided by the
90 Legislative Budget Office, the State Personnel Board shall
91 determine and publish the projected annual cost to fully fund all
92 appropriated positions in compliance with the provisions of this
93 act. It shall be the responsibility of the agency head to insure
94 that no single personnel action increases this projected annual
95 cost and/or the Fiscal Year 2008 appropriation for "Personal
96 Services" when annualized, with the exception of escalated funds.
97 If, at the time the agency takes any action to change "Personal
98 Services," the State Personnel Board determines that the agency
99 has taken an action which would cause the agency to exceed this
100 projected annual cost or the Fiscal Year 2008 "Personal Services"
101 appropriated level, when annualized, then only those actions which
102 reduce the projected annual cost and/or the appropriation
103 requirement will be processed by the State Personnel Board until
104 such time as the requirements of this provision are met.

105 Any transfers or escalations shall be made in accordance with
106 the terms, conditions and procedures established by law or
107 allowable under the terms set forth within this act. The State
108 Personnel Board shall not escalate positions without written
109 approval from the Department of Finance and Administration. The
110 Department of Finance and Administration shall not provide written
111 approval to escalate any funds for salaries and/or positions
112 without proof of availability of new or additional funds above the
113 appropriated level.

114 No general funds authorized to be expended herein shall be
115 used to replace federal funds and/or other special funds which are
116 being used for salaries authorized under the provisions of this
117 act and which are withdrawn and no longer available.

118 The agency shall not take any action to promote or otherwise
119 award salary increases through reallocation, reclassification,

120 realignment, education benchmark, career ladder, or any other
121 means to increase salaries of employees or positions unless
122 specifically exempted by the following conditions: the award of
123 teacher pay increases, the advancement of a trainee/cadet to the
124 next level of a bona fide career ladder, the award of an
125 educational benchmark for the attainment of Certified Public
126 Accountant License or higher level professional certification as
127 determined by the State Personnel Board, the immediate replacement
128 of a departing employee with an individual from within state
129 service or a new hire at a salary level equivalent to that of the
130 departing employee, and the emergency appointment of nurses,
131 pharmacists or other health care professionals at a salary to be
132 determined by the State Personnel Board, unless otherwise
133 authorized in this act.

134 **SECTION 6.** Each conservation officer and supervisor shall be
135 furnished an allowance for uniforms not to exceed Five Hundred
136 Fifty Dollars (\$550.00) per annum.

137 Provided further, when any personnel of the Bureau of
138 Wildlife and Fisheries are transferred from one county to another
139 on a permanent assignment, the expense monies now paid on
140 out-of-county duty shall not be applicable.

141 **SECTION 7.** It is the intention of the Legislature that the
142 Department of Wildlife, Fisheries and Parks shall maintain
143 complete accounting and personnel records related to the
144 expenditure of all funds appropriated under this act and that such
145 records shall be in the same format and level of detail as
146 maintained for Fiscal Year 2007. It is further the intention of
147 the Legislature that the agency's budget request for Fiscal Year
148 2009 shall be submitted to the Joint Legislative Budget Committee
149 in a format and level of detail comparable to the format and level
150 of detail provided during the Fiscal Year 2008 budget request
151 process.

152 **SECTION 8.** In compliance with the "Mississippi Performance
 153 Budget and Strategic Planning Act of 1994," it is the intent of
 154 the Legislature that the funds provided herein shall be utilized
 155 in the most efficient and effective manner possible to achieve the
 156 intended mission of this agency. Based on the funding authorized,
 157 this agency shall make every effort to attain the targeted
 158 performance measures provided below:

	FY2008
<u>Performance Measures</u>	<u>Target</u>
161 Support Services	
162 Hunting & Fishing Licenses	
163 Sold (Licenses)	528,000
164 Registration of Boats (Boats)	260,000
165 Freshwater Fisheries Mgmt	
166 Fish Stock for Public Water (Fish)	5,000,000
167 Users of DWFP Lakes (Man-days)	68,000
168 Game Management	
169 DMAP Cooperators	730
170 DWFP Management for Hunters (Man-days)	180,000
171 Law Enforcement	
172 Hunter Education (Persons)	19,000
173 Motor Vehicle	
174 Vehicles Purchased (Vehicles)	25
175 Used Vehicle Sales (Vehicles)	50
176 Parks & Recreation	
177 Overnight Accommodations (Persons)	676,000
178 Water Related Services (Persons)	68,000
179 Day Use Services (Persons)	2,650,000
180 Facilities Repair Projects (Projects)	30
181 Historical & Nature Services (Persons)	87,000
182 Museum Of Natural Science	
183 Information Provided (Participants)	235,500

184 Participants in Museum Prjs (Persons) 435,000

185 A reporting of the degree to which the performance targets
186 set above have been or are being achieved shall be provided in the
187 agency's budget request submitted to the Joint Legislative Budget
188 Committee for Fiscal Year 2009.

189 **SECTION 9.** Of the funds appropriated in Section 2, the
190 following amount shall come from the Department of Wildlife,
191 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
192 the purpose of making improvements to the Pearl River Wildlife
193 Management Area..... \$ 150,000.00.

194 **SECTION 10.** The board of supervisors of any county or any
195 group or combination of counties are hereby authorized and
196 empowered to enter into cooperative agreements with each other and
197 with the Commission on Wildlife, Fisheries and Parks for the
198 purpose of creating, improving or restoring parks, public game and
199 fish habitat lying or to be situated wholly or partially within
200 such county or in an adjoining county; and each county is
201 empowered and authorized, in its discretion, to expend a sum not
202 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
203 general county fund for such purposes from which fund they shall
204 reimburse to the Commission on Wildlife, Fisheries and Parks the
205 actual cost of all surveying and engineering projects incurred by
206 the Department of Wildlife, Fisheries and Parks incidental
207 thereto. Such boards of supervisors are further authorized and
208 empowered, in their discretion, to enter into agreements necessary
209 to carry out the purposes of this act with any other county, the
210 United States Forest Service or any other agency if same should be
211 necessary for the acquisition of land by lease or otherwise for
212 such purposes.

213 **SECTION 11.** It shall be unlawful for any officer, employee
214 or other person whatsoever to use or permit or authorize the use
215 of any automobile or any other motor vehicle owned by the State of

216 Mississippi or any department, agency or institution thereof for
217 any purpose other than upon the official business of the State of
218 Mississippi or any agency, department or institution thereof.

219 It is the intent of the Legislature that motor vehicles
220 authorized to be owned and operated by this agency shall comply
221 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.

222 **SECTION 12.** It is the intention of the Legislature that the
223 Department of Wildlife, Fisheries and Parks shall have the
224 authority to receive, budget and expend funds from any source, not
225 to exceed One Million Dollars (\$1,000,000.00), that may become
226 available to the department in accordance with the rules and
227 regulations of the Department of Finance and Administration.

228 **SECTION 13.** In order to be in compliance with Sections
229 63-1-74 through 63-1-79, funds are herein provided and may be
230 expended by the Department of Wildlife, Fisheries and Parks to pay
231 the costs of commercial driver's licenses for specific employees
232 and/or to reimburse such costs for specific employees who, in the
233 course of their duties and responsibilities, are required to hold
234 a valid Mississippi Commercial Driver's License.

235 **SECTION 14.** It is the intention of the Legislature that the
236 Department of Wildlife, Fisheries and Parks shall have the
237 authority to receive, budget and expend funds from the Mississippi
238 Development Authority in the amount of Four Million Dollars
239 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
240 Code of 1972. Such funds are to be used to defray the cost of
241 constructing a North Mississippi Fish Hatchery.

242 **SECTION 15.** The Mississippi Department of Wildlife,
243 Fisheries and Parks is authorized to provide financial support of
244 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
245 an agreement with the Mississippi Cooperative Extension Service
246 for a biology specialist and related supportive cost.

247 The Department of Finance and Administration is authorized to
248 escalate the budget of the Department of Wildlife, Fisheries and
249 Parks for this purpose.

250 **SECTION 16.** The department is authorized to spend up to
251 twenty-five percent (25%) of revenue in the State Park Timber
252 Endowment Fund, as needed, to operate and maintain the state
253 parks.

254 **SECTION 17.** As funds become available to the department, an
255 amount equal to One Million Five Hundred Thousand Dollars
256 (\$1,500,000.00) may be used for completion of the North
257 Mississippi Fish Hatchery and any repair of levies or dams as
258 deemed necessary by the department.

259 **SECTION 18.** It is the intention of the Legislature that no
260 more than Five Hundred Thousand Dollars (\$500,000.00) be spent
261 from the Motor Vehicle Fund for the purchase of motor vehicles.

262 **SECTION 19.** With the funds appropriated herein, it is the
263 intention of the Legislature that a reasonable number of
264 Conservation Officers, Conservation Officer Supervisors, District
265 Managers, Area Managers, and Lake Managers shall be employed
266 and/or detailed to both temporary and permanent job assignments in
267 areas other than their county of residence.

268 **SECTION 20.** It is the intention of the Legislature that the
269 Commission of the Mississippi Wildlife, Fisheries and Parks shall
270 have the authority to close, transfer, lease or sell properties
271 under the department's jurisdiction.

272 **SECTION 21.** It is the intention of the Legislature that
273 whenever two (2) or more bids are received by this agency for the
274 purchase of commodities or equipment, and whenever all things
275 stated in such received bids are equal with respect to price,
276 quality and service, the Mississippi Industries for the Blind
277 shall be given preference. A similar preference shall be given to

278 the Mississippi Industries for the Blind whenever purchases are
279 made without competitive bids.

280 **SECTION 22.** It is the intention of the Legislature that the
281 Department of Wildlife, Fisheries and Parks shall have the
282 authority to receive and transfer from any source funds available,
283 not to exceed One Million Three Hundred Fifty Thousand Dollars
284 (\$1,350,000.00), in accordance with rules and regulations of the
285 Department of Finance and Administration in a manner consistent
286 with the escalation of federal funds, for the purpose of
287 transferring funds to Alcorn State Agricultural Programs for
288 providing a Goat/Swine processing facility .

289 **SECTION 23.** The money herein appropriated shall be paid by
290 the State Treasurer out of any money in the State Treasury to the
291 credit of the proper fund or funds as set forth in this act, upon
292 warrants issued by the State Fiscal Officer; and the State Fiscal
293 Officer shall issue his warrants upon requisitions signed by the
294 proper person, officer or officers, in the manner provided by law.

295 **SECTION 24.** This act shall take effect and be in force from
296 and after July 1, 2007.